

PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:	PCT
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New Zealand

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing (day/month/year)	- 8 APR 2004
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Applicant's or agent's file reference 12387	FOR FURTHER ACTION See paragraph 2 below
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International application No. PCT/NZ2004/000023	International filing date (day/month/year) 5 February 2004	Priority date (day/month/year) 7 February 2003
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International Patent Classification (IPC) or both national classification and IPC

Int. Cl. ⁷ **G09F 11/23**

Applicant

PHILLIPS, Jonathan James Ferguson

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer R.W.J. FINZI Telephone No. (02) 6283 2213
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**WRITTEN OPINION OF THE
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International application No.

PCT/NZ2004/000023

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

a sequence listing
 table(s) related to the sequence listing

b. format of material

in written format
 in computer readable form

c. time of filing/furnishing

contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
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PCT/NZ2004/000023

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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1. Statement

Novelty (N)	Claims 5, 8 - 11, 15, 18 - 21	YES
	Claims 1 - 4, 6, 7, 12 - 14, 16, 17	NO
Inventive step (IS)	Claims 5, 15, 19, 21	YES
	Claims 1 - 4, 6 - 14, 16 - 18, 20	NO
Industrial applicability (IA)	Claims 1 - 21	YES
	Claims None	NO

2. Citations and explanations:

Documents cited for the purpose of compiling this report:

(D1) FR 2744829 A1 (RETAILLEAU DANIEL - FR) 14 August 1997, See abstract;

(D2) EP 0348723 A1 (VENTURE PRODUCTS (UK) LIMITED) 3 January 1990, see whole document; and

(D3) GB 939879 (DIEGO ZAMORA CONESA Y CAI., S.R.C.,) 16 October 1961, see whole document.

NOVELTY (N) claims 1 - 4, 6, 7, 12 - 14, 16, 17.

1. Independent claim 1 is not novel in light of documents D1 - D3 that each independently disclose all of the features defined in the claim. All three citations disclose rotatable signs including a first portion which is rotatably mounted and means for limiting the rotational speed of the first sign portion (see D1 abstract, D2 abstract and D3 page 1 column 2 lines 82 - 88).

2. Dependant claim 2 is not novel in light of documents D1 and D3 that each independently disclose all of the features defined in the claim. D1 and D3 disclose a rotatable sign wherein the means for limiting the rotational speed of the first sign portion comprises a braking means that increases the braking force applied to the first sign portion as the speed of rotation of the first sign portion increases (see D1 abstract and D3 page 1 column 2 lines 82 - page 3 column 1 line 6).

3. Dependant claims 3 and 4 are not novel in light of documents D1 - D3 that each independently disclose all of the features defined in the claims. All three documents disclose the first sign portion having two opposed sides adapted to carry the advertising material and being secured to an axle extending parallel to the longitudinal axes of the signs. The axle being mounted to a base (see D1 abstract, D2 figure 1 and D3 figure 1).

4. Dependant claims 6 and 7 are not novel in light of documents D2 and D3 that disclose all of the features defined in the claims. Both documents disclose the first sign portion being rigidly mounted upon the axle and the axle being rotatably mounted to the base. Also disclosed in both documents is a wing, provided on each side of the first sign portion, extending outward at an angle (D2 figure 1 and D3 figures 1 and 2).

Continued on supplemental sheet.

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International Application No.

PCT/NZ2004/000023

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: V

5. Dependant claims 12 - 14, 16 and 17 are not novel in light of D3 which disclose all of the features defined in the claims. D3 discloses the braking means comprising a centrifugal brake mechanism pivotally secured to the first sign portion. The brake mechanism including a brake pad that moves into frictional contact with a stationary surface and adjustment means for adjusting the brake mechanism (see figure 1 and page 1 column 2 lines 82 - page 3 column 1 line 6). In addition D3 discloses that the stationary surface comprises a wall depression formed in the upper surface of the base (see figure 1).

INVENTIVE STEP (IS) claims 1 - 4, 6 - 14, 16 - 18, 20

6. Claims 1 - 4, 6, 7, 12 - 14, 16, 17 do not contain an inventive step as discussed in objections 1 - 5.

7. Dependant claims 8 - 11, 18 and 20 do not involve an inventive step in light of documents D2 and D3. Each document discloses speed limited rotating signs that include a base. It would be obvious to a person skilled in the art to ensure that the sign is not blown over by excessive wind by ensuring the base is provided with enough weight to maintain a desired sign position, a typical method would include the use of heavy materials such as water. It would also be obvious to a person skilled in the art to provide wheels and a handle to allow the sign to be readily moved into alternate positions and to install batteries into the base to provide power for lighting to enable visual recognition of the sign in low light conditions. In addition it would be obvious to a person skilled in the art to provide a second sign portion mounted to the axle to allow for additional signage to be introduced in the same manner as that provided by the first sign portion. Therefore claims 8 - 11, 18 and 20 do not involve an inventive step.